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COMMITTEE ON THE RIGHTS OF THE CHILD

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SUMMARY RECORD OF THE 646th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 20 September 2000, at 3 p.m.

Chairperson: Ms. OUEDRAOGO

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Burundi (continued)

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GE.00-44554 (E)

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Burundi

(CRC/C/3/Add.58; list of issues (CRC/C/Q/BUR/1); written replies of the Burundi Government to the questions in the list of issues (document without a symbol distributed in the meeting room in French only)) (continued)

1. At the invitation of the Chairperson, the members of the delegation of Burundi resumed their places at the Committee table.

2. Mr. NINDORERA (Burundi) said that there were plans to amend the Code of Personal and Family Affairs so as to bring the definition of the child into line with that of the Convention. It was further intended to appoint delegates for the protection of children at the level of the collines de recensement (the smallest administrative unit), to establish juvenile courts, to create communal social services and to reinforce the role already played by existing structures, such as family councils and councils of notables, which would receive clearer instructions on the promotion and protection of children's rights.

3. The problems of discrimination to which reference had been made were not the result of a position of principle on the part of the Government, which considered that all disaster victims should receive equal treatment, but of difficulties of a practical nature in the distribution of aid. The non-governmental and international organizations in the field, each of which had a specific mandate, generally concentrated on a given population (refugees rather than internally displaced persons, the inhabitants of a regroupment camp, etc.), and that led to tensions which were still further exacerbated by the coexistence of different ethnic groups within the camps. The Government was endeavouring to limit instances of injustice by coordinating the action of the organizations in question. The uneven distribution of health and education infrastructures among the various regions, however, was the result of the mismanagement of public affairs in the past.

4. Where the distribution of the text of the Convention was concerned, the provincial committees already involved were supported by some communal committees, which would become more numerous in the future. The text was available in French and in Kirundi, the national language, and it was planned to raise the awareness of the illiterate population by means of suitable educational tools based essentially on pictures. Broadcasts on the subject in local languages, some of them specifically targeting children, were in progress. It was a particularly efficient solution since nearly all inhabitants, even the poorest, had a radio.

5. Children were represented in school committees and family councils which they joined once they seemed capable of discernment. Children had been able to make themselves heard on several occasions, especially in the context of a project launched in collaboration with UNICEF, during an encounter with Parliament in 1999 and during a public debate bringing together

children and government representatives in December each year on the occasion of International Children's Day of Broadcasting. The scouts' organization had also been invited to a consultation seminar which had met to draft a bill. Taking account of the opinions gathered, however, still posed problems.

6. The Government had adopted a number of measures in support of the integration of the Batwa population, for which three seats would be reserved in the new chamber of Parliament and which already benefited from free health care and education. If there was to be genuine integration, however, Batwa attitudes needed to move forward.

7. The regroupment camps, or "protection sites" as the State called them, had been set up to separate the innocent civilian population from the rebels and by that means to limit the consequences for civilians of the struggle between the rebels and the army. The Government had endeavoured to solve the problems stemming from regroupment and in particular to improve the very difficult living conditions of the populations concerned. It had requested help from the NGOs. The dismantling of the sites was in progress and had even been completed in rural Bujumbura, but some of the occupants were afraid for their safety and refused to return to the collines; the situation would only be settled when the peace agreement had been signed and implemented and the population was engaged in genuine reconciliation.

8. Where the financing of education was concerned, communities and parents were currently asked to contribute approximately one dollar a year to schooling costs. Those who could not pay that modest sum, however, were exempted. Poverty had indeed become a serious problem in Burundi since the embargo and the suppression of bilateral assistance. Unless cooperation was renewed, the country would be incapable of redressing the economic situation, and the consequences on the development of ethnic tensions could not fail to be alarming.

9. As to how a society so divided could be governed, negotiations had been in progress for two years but the participants had been unable to reach a consensus. It was to be hoped that in time people would be judged on their achievements, both by their ethnic community and by the other communities and regardless of ethnic origin.

10. The elimination of capital punishment was not a central concern since the current most urgent problem was to combat impunity. Incidentally, the death penalty was not applicable to children and it was also planned to reduce to 5 years the heaviest penalty a minor could incur, which was 10 years' imprisonment.

11. The Government commission on human rights was already operational and working in close collaboration with non-governmental organizations. The latter were sometimes harsh in their criticism of the Government with regard to the protection of human rights, and accused representatives of the public service of human rights violations, but it was encouraging that such discussion could take place.

12. In assigning the custody of a child, the basic criterion was the child's best interests. In cases that were difficult to resolve, custody was generally given to the father when the child was over 7 years of age, unless it was clearly more in the child's interest to remain with his mother. Since a growing number of women were magistrates, it could be seen that judicial decisions increasingly focused on women.

13. From the start women had claimed the right to participate in the peace process, but there was no escaping the fact that some political actors had blocked their way. Some of their ideas, however, had been taken into account and women had become aware of the role that they could play in society and were currently determined to continue in that direction.

14. The CHAIRPERSON invited the members of the Committee to ask questions about the family environment and alternative care, health and welfare, education, leisure and cultural activities and special measures of protection.

15. Mr. FULCI asked whether, as some sources asserted, the international adoption of children gave rise to abuses, whether it was true that for reasons of inheritance and dowry girls were preferred to boys and what guarantees the Burundi Government required from foreign families applying to adopt a Burundi child. He asked whether the Government had taken steps to help children traumatized by the atrocities they had seen and to protect the rights of children who had been repatriated. It would also be useful to known whether Burundi had signed the Optional Protocols to the Convention and whether it intended to ratify the amendment to the Convention to increase the number of members of the Committee.

16. Ms. MOKHUANE asked whether the Government had taken steps to implement the Convention on the Reduction of Statelessness and the Convention relating to the Status of Stateless Persons, to which Burundi was a party.

17. The written replies revealed that 15 per cent of host families had a minor as head of the household; details of the programmes initiated to help them would therefore be desirable. It would also be useful to know whether private institutions involved with children were monitored on a regular basis and what steps were taken to replace family councils, to help grandparents obliged to take responsibility for their grandchildren, to combat malnutrition and maternal mortality and, generally speaking, to improve the state of health of the population and its access to care and to confront teenage drug addiction. She also asked what the Government was doing to help disabled children and to increase the enrolment ratio and improve the quality of education.

18. Ms. KARP asked why statistics on children concerned only the under-15s. With regard to the regroupment camps, it would be interesting to know what type of representation their inhabitants had and how they were associated with their management, the role of NGOs and whether the Government was envisaging a realignment of resources so as to reduce the inequalities between the various camps.

19. The written replies mentioned that corporal punishment in schools was forbidden but that Burundi tradition allowed it to a limited degree. The Burundi delegation could perhaps detail the measures, legislative or otherwise, that the Government was planning to take to ensure progress

in attitudes and put an end to such practices and whether it intended to establish a means of collecting complaints from children who had suffered from ill-treatment and of punishing the perpetrators.

20. She would like to know how the Government was combating AIDS, whether it received technical assistance from UNAIDS and what difficulties it was encountering in reunifying families, particularly in the context of the project it was implementing in collaboration with UNICEF. The delegation could also describe the plans envisaged for reducing the duration of pre-trial detention, for using deprivation of liberty only as a last resort and, generally speaking, for reforming the administration of juvenile justice, with details concerning the fate of children imprisoned pending trial although they had not incurred a prison sentence.

21. Mr. DOEK said that he would like details on assistance to host families, particularly with reference to the conditions for obtaining a health insurance card. It would also be interesting to know whether the State had any control over private institutions which looked after children, particularly establishments for disabled children, what the consequences of privatizing hospitals would be, especially for the poorest, and whether schooling was completely free of charge and included school supplies. He would also like details of measures to facilitate the demobilization, protection and rehabilitation of child soldiers enrolled by rebel groups.

22. The written replies had indicated that in 1998 some 88.5 per cent of imprisoned minors were untried prisoners; it was a very alarming figure and there was a need to know what the Government intended to do to remedy the situation and what was the fate of children born in prison.

23. Mr. RABAH stressed that the current system of juvenile justice was in need of reform, as being incompatible with the relevant provisions of the Convention. It would be useful to know whether the Government envisaged cooperation with NGOs in the immediate future to improve the situation and whether children in conflict with the law benefited from legal aid. The delegation could also describe the relations between juvenile delinquents and the police and prison authorities. Additional information on the situation of street children and the measures taken to solve the problem would also be welcome. With regard to recreation, it would be interesting to know whether the activities mentioned in the report were free and accessible to all children. Lastly, he asked whether in Burundi there was a problem of discrimination between the different categories of the population and the different regions.

24. Ms. RILANTONO asked whether any movement to strengthen civil society and introduce a genuine democracy to serve the best interests of children existed in Burundi and whether obstacles stood in the way of the collaboration between the Government on the one hand and the NGOs and United Nations agencies on the other for the implementation of the Convention. It would also be of interest to know what proportion of schools had been closed because of the conflict and whether there were classes for children in the regroupment camps. The delegation could also explain what steps the Government was taking to combat AIDS and the infection of children and whether it was organizing information and education campaigns for teenagers.

25. The CHAIRPERSON said that she had read in the written replies that children were installed on land that had been bought for them and asked who had bought the land and was looking after the children. The replies also said that some foster families considered the children solely as a source of income; she would like to know what the Government was doing to remedy the situation and whether it was possible to take away from those families the children who had been entrusted to them. She asked whether the delegation could specify what the decentralization of the provincial committees for the promotion and protection of children's rights would involve. It would also be of interest to know what attitude the traditional authorities were taking to the Convention.

The meeting was suspended at 4.25 p.m. and resumed at 4.30 p.m.

26. Mr. NINDORERA (Burundi) said he could not say whether the Burundi delegation to the Millennium Summit had signed the two Optional Protocols to the Convention on that occasion, but he would transmit the Committee's recommendations concerning their signature and the ratification of the amendment on the increase in the number of members of the Committee to the Government.

27. In the case of the inhabitants of the regroupment camps, committees representing the different populations had been established to collect their grievances and take into account the problems arising in the perspective of the operations to dismantle the sites. The NGOs for their part could favour one region over another, but it was up to the States, in collaboration with them, to find the most efficient machinery for establishing some degree of equity in the distribution of resources.

28. Burundi had initiated a process of reform of the juvenile justice system but there was a shortage of both human and financial resources; in the long term, it could be hoped that the return to peace would enable the State to mobilize more resources with the support of the international community. The number of children in detention reflected a genuinely disturbing situation, and a government commission and provincial committees for the promotion and protection of children's rights had been established and made responsible for that priority issue. They were responsible for studying the file of each child in detention with a view to taking concrete action without delay. Release should be immediate for minor offences and for children who had already been sentenced, provisional or conditional release could be envisaged. As for children imprisoned with adults, different sectors had already been marked out in two prisons, but again more means were needed. It should be remembered that Burundi was the theatre of a civil war in which children played an active role. Once a cease-fire had been decreed, they would benefit from an amnesty or a judicial pardon. Where the children of imprisoned mothers were concerned, Terre des Hommes was engaged in a project in Burundi the aim of which was to search out family members who might take them in.

29. The demobilization of child soldiers was among the questions discussed in the context of the Arusha peace negotiations. Current reflection turned on how to organize their demobilization in the interests of the children. The problem of resources arose there too, but it could be imagined that the international community would make a financial contribution in view of the importance it attached to the problem.

30. Civil society had not been spared by the crisis the country was experiencing. Associations did not carry much weight and were not sufficiently structured and therefore did not have great capacity for action or for mobilization. Moreover, all the social actors had Hutu or Tutsi sensibilities which took precedence over Burundi sentiments, and the same split was found in the political parties.

31. Ms. RWAMAHEKE (Burundi) pointed out that in the case of many children their distress had a variety of causes and that it was difficult to find a comprehensive solution to their problems. A coordination meeting of NGOs working in that area had concluded that special intervention was needed. A centre for training and supervision which would take children in provisionally was being built. Population displacements had separated some children from their parents and traditional institutions, including the official State orphanage and foster families, were taking them in. In addition, 29 reception centres subsidized by the State were exempted from customs duties on goods intended for the children. The Government was collaborating closely with those institutions and also supervising them.

32. Where family reunification was concerned, results had already been obtained, with the help of the Save the Children Fund in particular; 784 children had been put back in touch with their close or extended families. Faced with its own inadequate means, the Government encouraged private initiatives in that area and made land available to the institutions. Burundi had initiated a capital enterprise, consisting in the compilation of a register of all the children and their exact identification; once the peace agreements were signed, that information would facilitate the reunification of parents and children.

33. Some people believed that foster families regarded the children as an additional source of income, but the question should be considered from another standpoint. In Burundi, whether in a biological family or in a foster family, there was indeed a tendency to prefer girls, since they performed more domestic tasks, even if they did not bring in income as such. The foster families took on a commitment by signing an official document before the local authorities who ensured the follow-up.

34. The Ministry for the Advancement of Women and Social Action had undertaken to provide legal assistance for children, in particular by training staff for the reception structures.

35. Disabled children for their part were taken into institutions on the same basis as other children in difficulty. The religious congregations did a great deal for them, while the Government had set up two centres: the National Centre for the Supply and Repair of Appliances and the National Centre for Social and Professional Rehabilitation. Once fitted with an appliance, children, particularly those too old to go to school, could learn a trade and be reintegrated. The percentage of disabled children had greatly increased as a result of the crisis, and Burundi was planning a decentralization campaign to cover the entire country. Another project was to register all disabled children so as to be able to redefine the action it would conduct with the assistance of UNICEF.

36. The Burundi communities had given the Convention on the Rights of the Child a much warmer reception that the Convention on the Elimination of All Forms of Discrimination against Women. Burundi was envisaging the simultaneous promotion of the two Conventions, explaining to the population that children's rights could not be respected if mothers' rights were ignored.

37. Mr. JUMA (Burundi) explained that the statistics for 15-18 year olds were indeed deficient since that age group was not affected by compulsory schooling and it was therefore difficult to obtain information about them. Additional information would be supplied.

38. The Criminal Code had made corporal punishment an offence, similar to striking and wounding.

39. In education, in view of the severe lack of teachers as a result of the crisis, Burundi had been obliged to recruit persons who did not have the required level of qualification; however, in collaboration with UNICEF, it had introduced upgrading programmes to improve the quality of education. Support from the international community would be very much appreciated in that regard and could result in teachers of quality being available. Poor families received free education.

40. The drop-out rate was relatively low in the first four years of primary school but increased after the fifth year, when French became the official language of education. Pupils who dropped out were directed towards apprenticeship centres where they could acquire the necessary skills to become integrated. In secondary school the drop-out rate was relatively low because pupils could repeat a class. Most of them therefore remained in school until they were 17 or 18. The Government was making efforts to increase numbers of parallel courses for pupils who were not capable of keeping up with traditional education.

41. A lower rate of enrolment was typical of the frontier regions of Burundi since the children were attracted by the possibilities of paid employment, such as small-scale commerce and gold mining, offered on the other side of the border. In order to remedy the situation, Burundi, in collaboration with UNICEF, was engaging in consciousness-raising activities specifically targeting those regions.

42. Ms. NDUWIMANA stressed that various public health programmes being implemented on a large scale particularly benefited children, including programmes to combat diarrhoeal diseases, acute respiratory infections and malaria, while the extended vaccination programme taking place throughout Burundi had achieved a 95 per cent coverage of poliomyelitis in 2000. The Ministry of Public Health had also introduced a risk-free maternity programme, centred on the training of traditional midwives. Another programme was aimed at making the population aware of the importance of drinking water and latrines in combating dysentery and cholera. A national programme to prevent and combat AIDS, stressing awareness among young people and teenagers, was in progress with the support of UNAIDS and UNDP.

43. In order to facilitate access to medicines, the Ministry had decided to set up a centre for the purchase of essential medicines, mainly generic, which could then be bought for a modest sum in the communal pharmacies. Where access to health care was concerned, there were two

types of card for keeping down the cost of treatment: the sickness insurance card, for which there was a charge and was therefore intended for average-income families, and the poverty card, which was issued, following an investigation, to the children of the most impoverished families (most often repatriated or displaced children), and could be used in private independent hospitals as well as in public hospitals.

44. The disparities in terms of health infrastructure between Bujumbura and the other regions could be explained by the fact that the capital had been spared by the fighting. In the interior, the health centres had been largely destroyed and lack of security had led to the flight of the medical personnel. The Ministry, with the assistance of numerous partners, had undertaken to restore or rebuild the centres. There were currently two health centres per commune and two hospitals per province.

45. Mental health had become another priority. A form of collective hysteria had appeared in schools and displaced persons' camps among children marked by the consequences of the war. A new NGO was currently taking responsibility for the traumatized children and helping to rehabilitate them. It was aided by a specialized psychiatrist.

46. Ms. MOKHUANE asked whether the policy of education for integration had been implemented and whether children living in rural areas and displaced children were still able, despite the war, to take part in recreational and cultural activities. Regarding the psycho-social integration of children, she was under the impression that only one psychiatrist was practising in Burundi and she expressed concern at the lack of facilities. She would like to have details on the number of inhabitants per doctor. She asked what real opportunities of access there were to medicines and medical care, given the very low standard of living of the population. Lastly, she asked whether protected jobs existed for disabled persons.

47. Ms. KARP asked whether all corporal punishment of children by their parents, even of the lightest kind, was forbidden by law.

48. Mr. DOEK, noting that young people were poorly informed about matters relating to reproductive health although they were sexually active at an early age, said that he would like to know to what extent illiteracy was taken into account and what efforts were made to use information other than in written form.

49. Mr. NINDORERA (Burundi) explained that it had been necessary to push back to 2010 the deadline for achieving the objectives of inclusive education in view of the situation in the country, but stressed the importance the Government was placing on education for everyone. Where recreational activities were concerned, it was always possible for children to play, even with very modest resources, but it was difficult for them to have access to cultural activities proper. The total prohibition of corporal punishment still gave rise to reservations; some parents found it normal and even desirable to inflict light physical punishment on their children. As for the combat against AIDS, much progress needed to be made, especially with regard to improving the information methods used and to involving young people more. Despite consciousness-raising activities, many of them refused to use condoms. A certain conservatism related to tradition and religion meant that parents were often too late in tackling questions about young people's sex lives.

50. Ms. RWAMAHEKE said that all the agencies working in the field, even where their priority concern was dealing with the most urgent needs (clothes, food and housing), were aware of the need for psycho-social assistance for children. Several NGOs were active in that area, but needs were tremendous and the task was very onerous. Steps had been taken to assign land to child heads of households and to enable them to engage in income-generating activities, as had also been done in the case of children placed in foster homes, to prevent them from being exploited. As for cultural activities in rural regions, UNESCO's House of Culture of Peace in Burundi had provided an opportunity for children from all over the country to go and perform in the capital. Mobilization against AIDS was very far-reaching. Many radio and television programmes were devoted to it. Talks had been given on the subject on the occasion of Pan-African Women's Day. The Ministry for the Advancement of Women and Social Action was also taking action in the form of the family development centres.

51. Ms. NDUWIMANA explained that several persons were currently training as doctors or assistants in psychiatry and would soon be able to work in collaboration with the NGO specializing in help for war-traumatized children. For the past two years the Ministry of Health had been carrying out a countrywide redeployment of medical personnel. Currently, there was one doctor for every 21,208 inhabitants. Generic medicines were produced in Burundi itself, thus making it possible to keep down prices and make such medicines accessible to the largest possible number of people, particularly as the sickness insurance card and the public official's card could be used to cover part of their cost. The Government had further allocated a budget to the central purchasing office for medicines. Preventive care, such as vaccinations, was free of charge. A national reproductive health programme existed and provided an environment for numerous activities involving young people. Sex education had just been made a part of primary education and continued at secondary level.

52. Ms. MOKHUANE praised the quality of the dialogue with the members of the Burundi delegation and read out the Committee's draft concluding observations in English.

The meeting rose at 6.10 p.m.